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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,432	11/29/2005	Seung-Myun Back	7950.041.00	6704
30827 7590 02/28/2011 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER				
WYLLIE, CHRISTOPHER T				
ART UNIT		PAPER NUMBER		
2465				
MAIL DATE		DELIVERY MODE		
02/28/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,432

**Applicant(s)**

BAEK ET AL.

**Examiner**

CHRISTOPHER T. WYLLIE

**Art Unit**

2465

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/17/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED OFFICE ACTION**

1. This action is responsive to the communication received December 28<sup>th</sup>, 2010. Claims 1-18 have been previously canceled. Claims 19-20 have been amended. Claims 19-20 have been entered and are presented for examination.
2. Application 10/558,432 is a 371 of PCT/KR04/01152 (05/14/2004) and claims priority to Foreign Applications 10-2004-0022208 (03/31/2004) and 10-2004-0034962 (05/30/2003) from the Republic of Korea.
3. Applicant's arguments, filed December 28<sup>th</sup>, 2010, have been fully considered, but deemed moot in view of the new grounds of rejection which has been necessitated by Applicant's amendment.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US 2006/0047677) in view of Merrick et al. (US 7,028,312) in view of Lee et al. (A New Control Protocol For Home Appliances -LnCP -2001).

Regarding claims 19 and 20, Lin et al. discloses an electronic device connected to a network (**see Figure 1, Computer 110 [the computer is connected to a remote server via a modem connected to the Internet [see also paragraph 0024]]**), comprising: an interfacing unit configured to transmit data to the network and/or receive data from the network (**see Figure 1, Modem 172**); a memory configured to store data (**see Figure 1, System Memory**); and a controller (**see Figure 1, Processing Unit**) configured to: receive, via the interfacing unit, downloading requests from the network, wherein first data to be transmitted from the network to the electronic device is divided into the downloading requests, wherein each downloading request includes total number of the downloading request and current number of the each downloading request (**paragraphs 0037-0038 [File data to be written is divided into file request**

**sections; file sections are sent in multiple section request messages; each section request message contains a sequences number that corresponds to the section's position relative to the other file sections]),** perform a processing operation of the first data using the total number and the current number, wherein the processing operation comprises extracting a command code from the first data message **(It is well known that the command code has to be extracted in order to processes the instruction),** store the processed first data in the memory **(paragraph 0038-0039 [the file sections are sent to and stored at the file server]),** and receive, via the interfacing unit, an uploading request from the network, wherein the uploading request includes data size information and order information, the data size information specifying a size of data unit into which second data to be transmitted from the electronic device to the network according to the uploading request is divided, and the order information specifying an order of a plurality of data units to be transmitted according to the uploading request , and transmit, via the interfacing unit, a specific data unit corresponding to the uploading request to the network **(paragraphs 0044-0047 [the read request includes a data size to be read; the data is divided into sections based on the negotiated max buffer size; each file section includes as sequence number that corresponds to the section's position relative to the other sections; ACK messages are sent corresponding the sent request file sections]).** Lin et al. does not explicitly disclose extracting as many arguments as necessary according to a version of a transmitting protocol applied to the electric device, and discarding remaining arguments when the remaining arguments exist. However, Merrick et al.

disclose such features (column 15, lines 9-31 and column 24, lines 30-48 **[arguments are encoded into a message and sent to the server (device) to perform a function with the arguments and to send back the return arguments; the message sent may include more arguments (values) due to an updated version; however, the mechanism allows the service to continue to function with using only information that existed in the previous version; Merrick et al. implicitly implies that the unused values associated with the newer protocol are ignored]]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Merrick et al. into the system of Lin et al. The method of Merrick et al. can be implemented by incorporating a mechanism in the device that allows for messages sent from a second device, which uses an updated version of a protocol with more input values to perform a command, to process messages using only the known values of the protocol to perform a command.

The references as applied above do not explicitly disclose that the downloading request includes an information field indicating a number of re-transmission of the downloading request, check whether or not the downloading request is a duplicated message based on the information field. Lee et al. disclose such a feature (p. 289 **[the request message has a retransmission field; each time a request is sent the sender the count in the RC field is incremented by 1; the RC field allows the receiver to determine whether or not this is a new request message and also to determine if an ACK message was not received by the sender]]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Lee et al. into the system of the references as applied above. The method of Lee et al. can be implemented by including a RC field in the request message in order to enable the receiver to determine whether the request is a new request or a retransmission in response to a non-receipt of an ACK message to the sender.

### ***Response to Arguments***

8. Applicant's arguments, filed December 28<sup>th</sup>, 2010, have been fully considered, but deemed moot in view of the new grounds of rejection which has been necessitated by Applicant's amendment.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER T. WYLLIE whose telephone number is (571) 270-3937. The examiner can normally be reached on Monday through Friday 8:30am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher T. Wyllie/  
Examiner, Art Unit 2465

/Jayanti K. Patel/

Supervisory Patent Examiner, Art Unit 2465



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27 February 2011